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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/038,653 | 01/08/2002 | Tetsuya Takaki | 8005-1001 | 9167 |
| 466 | 7590 | 10/06/2004 | EXAMINER | |
| YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202 | | | NGUYEN, DUC M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2685 | |

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/038,653 | TAKAKI, TETSUYA | |
| | Examiner | Art Unit | |
| | Duc M. Nguyen | 2685 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/02, 12/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the applicant's response filed on 6/24/04. Claims 1-6 are now pending in the present application.

Election/Restriction

1. Applicant's election without traverse of group I (claim 1) in the reply filed on 6/24/04 is acknowledged.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Valsanen** (EP 0 678 974) in view of **Oto** (US 5,437,051).

As to claim 1, **Valsanen** discloses a method of avoiding a band interference wave which is produced in a receiver when a reception frequency used for radio communication is converted into a fixed intermediate frequency by using an oscillation frequency of a local signal oscillator (see **Fig. 2, page 5, lines 25-45**), wherein when a frequency of a reception signal is on a low-frequency side in a reception frequency band (GSM band), channel setting and route switching control (see switches **26, 29, 31** in **Fig. 2 and page 6, lines 27-45**) are so performed as to make the reception signal pass

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through a filter (see filters 3, 28 and **page 6, lines 27-45**). Here, although **Valsanen** is silent on a low pass filter, it is clear that one of the filters 3 or 28 in Fig. 2 of **Valsanen** would correspond to a LPF filter of the GSM system in the similar way as of the LPF filter 54 in Fig. 3 of **Oto** (see **col. 4, line 13 – col. 5, line 21**), wherein **Oto** also discloses a dual-band transceiver wherein two IF signals are of the same frequency (see **col. 5, lines 34-37**) as in **Vasanen**. Therefore, the claimed limitations are made obvious by **Valsanen** and **Oto** for route switching control according a frequency band as claimed, to realize a combined telephone for two different frequency range.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kim (US 5,963,856), Wireless receiver including tunable RF bandpass filter.

Schlang et al (US 5,890,051), On-channel transceiver architecture in a dual band mobile phone.

Byrne (US 2,447,392), System for aligning receiver and transmitter circuit.

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or communications from the examiner should be directed to Duc M. Nguyen whose telephone number is (703) 306-4531,

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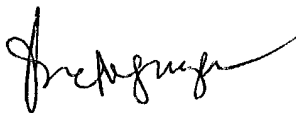
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Monday-Thursday (9:00 AM - 5:00 PM). Or to Edward Urban (Supervisor) whose telephone number is (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Duc M. Nguyen

Sept 28, 2004

A handwritten signature in black ink, appearing to read 'Duc M. Nguyen', written over the printed name and date.